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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,819	08/08/2000	Anand G. Dabak	TI-30652	4258

7590 03/25/2004
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EXAMINER

BOCURE, TESFALDET

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/634,819

Applicant(s)

DABAK ET AL.

Examiner

Tessfaldet Bocure

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2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8,9,13,15 and 21-26 is/are rejected.
- 7) ☒ Claim(s) 3-7,10-12,14 and 16-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The File shows that there is an Information Disclosure Statement (IDS) received by the office on January 31 2001 (paper #2), however Examiner can not locate it. Examiner is kindly requesting Applicant to resubmit the IDS.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2,8,13,15 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by **Marcoccia et al.** (US patent number 6,169,761).

Marcoccia et al. (**Marcoccia** hereinafter) teaches a frequency hopping communication system comprising master, claimed first device in claim 1, frequency selector in claim 15 and wireless communication device in claim 23, and slave station (see col. 2, lines 20-25) comprising: the master station for detecting the received signal strength of the received signal on a given channel (232 in figure 4B) and if the detected signal is below the threshold, select (see feedback to 222 from 232) the next channel (claimed further selection in claims 2 and 8), otherwise use the selected channel for

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transmitting data between the master and base station (steps 234-240) as in claims 1,13,15,23.

Further to claims 1,15 and 23, **Marcoccia** also teaches that the master station use a handshake protocol (claimed transmitting communication link information) with the slave station to verify the selection of the frequency. See col. 3.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 9,20-21 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Marcoccia et al.** (US patent number 6,169,761).

Marcoccia et al. (**Marcoccia** hereinafter) teaches a frequency hopping communication system comprising master, claimed first device in claim 1, frequency

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selector in claim 15 and wireless communication device in claim 23, and slave station (see col. 2, lines 20-25) comprising: the master station for detecting the received signal strength of the received signal on a given channel (232 in figure 4B) and if the detected signal is below the threshold, select (see feedback to 222 from 232) the next channel (claimed further selection in claims 2 and 8), otherwise use the selected channel for transmitting data between the master and base station (steps 234-240) as in claims 1,13,15,23.

Further to claims 1,15 and 23, **Marcoccia** also teaches that the master station use a handshake protocol (claimed transmitting communication link information) with the slave station to verify the selection of the frequency. See col. 3.

What **Marcoccia** fails to teach is the master and slave frequency hopping system using Bluetooth as in claims 9,21 and 25, and cordless device as in claims 22 and 26.

However, such a Bluetooth and cordless wireless is notoriously known in the communication are and Examiner is taking an official notice. Therefore, it would have been obvious to one of an ordinary skill in the art to apply in the system of Marcoccia the Bluetooth and cordless at the time the invention was made.

Allowable Subject Matter

7. Claims 3-7,10-12,14,16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patent numbers 5,802,110; 5,832,026; 5,953,325; 6,535,563 and 6,553,064 issued to Watanabe et al., Li, Willars, Tiedeman et al., and Chen et al. respectively disclose a frequency hopping transmission system having means for selecting frequency.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (703) 305-4735. The examiner can normally be reached on Mon-Thur (7:30a-5:00p) & Mon.-Fri (7:30a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H Ghayour can be reached on (703) 306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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T.Bocure

Tesfaldet Bocure
Primary Examiner
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A large, stylized handwritten signature in black ink, which appears to be 'Tesfaldet Bocure', is written over the printed name and title. The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.